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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,436	06/23/2003	Lee G. Meyer	50089-0001	7147
36178	7590	08/09/2005	EXAMINER	
LEE G. MEYER, ESQ. MEYER & ASSOCIATES, LLC 17462 E. POWERS DRIVE CENTENNIAL, CO 80015-3046			ROBINSON, MARK A	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,436	Applicant(s) MEYER ET AL. (BM)	
	Examiner Mark A. Robinson	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2872

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6,9-14 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scifres (US 4022520) in view of Vu (US 4890907).

As discussed previously, Scifres shows a rearview mirror system including first(1) and second(2) spaced-apart, stacked mirror elements each independently movably or pivotally supported within a housing (col. 2 line 11), with the mirrors, through their pivotal connections, capable of providing a planar view (as shown in fig. 2), and wherein the second mirror is selectively positionable in a generally downwardly tilted position (via its pivot connection 22).

Scifres does not teach the second mirror to *automatically* tilt downwardly during backing (when the vehicle is placed in

Art Unit: 2872

reverse gear) and return to its original position when the vehicle is removed from reverse gear. Scifres also does not teach a motor or control circuit to accomplish this automatic positioning of the second mirror. However, Vu teaches such an arrangement, showing a second mirror(22) which is automatically positioned generally downwardly (in a similar manner as is shown by applicant) when the vehicle is placed in reverse gear (col. 2 lines 39-42). Note also Vu's motor and control circuit (fig. 6) for adjusting the mirror in this manner. It would have been obvious to the ordinarily skilled artisan at the time of invention to automatically position Scifres' second mirror downwardly when the vehicle is placed in reverse as is taught by Vu in order to enable viewing of the curb when backing or parking the vehicle (Vu, col. 1).

The method limitations of claim 20 are inherent in the structure of Scifres in view of Vu discussed above.

3. Claims 7,8,15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scifres in view of Vu as applied to claims 1 and 12 above, and further in view of either McDonough (US 5052792) or JP 58-4647 (JP'647).

Scifres in view of Vu does not show the first and second mirrors to abut one another and be hinged along their common

Art Unit: 2872

side. However, such an arrangement is shown by both McDonough (fig. 2) and JP'647 (figs. 5 and 6). It would have been obvious to the ordinarily skilled artisan at the time of invention to have the mirrors abut one another and be hinged together along a common side in order to provide a seamless view while still allowing for adjustment of each of the mirrors.

Response to Arguments

4. Applicant's arguments filed 5/27/05 have been fully considered but they are not persuasive.

Applicant has argued with respect to the drawing objection of the previous office action that the pivotally supported first mirror segment is a prior art adjustment system and need not be shown in the drawings.

In response, the objection to the drawings is withdrawn, and this pivotally supported first mirror segment is held to be admitted prior art.

Regarding the prior art rejection, applicant has argued that Scifres' mirrors do not act as a single planar surface during normal driving but are adjusted to cover the blind spot.

However, the drawings are relevant for what they show, even if the shown feature is unexplained in the specification. MPEP 2125. Thus, two mirrors providing a planar view is met by the

Art Unit: 2872

primary reference to Scifres since this limitation is clearly shown in his fig. 2.

Further, applicant has argued that "Scifres does not teach moving the mirrors in response to vehicle movement nor maintaining the mirrors in planer [sic] relationship during driving."

In response, it should be noted that this exact language is not found in the claims. Further, Scifres shows structure which is capable of performing these functions, i.e. is capable of being adjusted (via the ball/socket arrangements) to provide the claimed views to a driver, thus meeting at least the structural requirements of first and second positioning devices.

Applicant has further argued that the secondary reference to Vu does not show the mirrors to provide a single planar view, and that it is Vu's housing that moves instead of the mirror.

However, the first feature mentioned above is met by the primary reference to Scifres in fig. 2 as discussed previously. Further, Vu's second mirror element (22) clearly moves in the direction of the arrows shown in fig. 4. Thus, these two features are met by the first and second references, respectively.

Applicant has also argued that the examiner's conclusion of obviousness is not supported by the teachings of the references and constitutes hindsight.

In response, the motivation relied upon by the examiner in combining the teachings of the references is found in the secondary reference to Vu, namely that automatic pivoting movement of the second mirror element(22) enables viewing of the curb when backing or parking the vehicle (Vu: abstract, col. 1, etc.).

Regarding applicant's remarks concerning the McDonough reference in relation to Scifres and Vu, it is not proper nor permitted for the examiner to comment on the validity of issued patents.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Art Unit: 2872

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

Application/Control Number: 10/601,436

Page 8

Art Unit: 2872

access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

MR

8/8/05


MARK A. ROBINSON
PRIMARY EXAMINER